#### IN THE UNTIED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Atty. Docket No.: 004770.00862

Scott **DAVIS** Group Art Unit.: 2175

Serial No.: 10/691,715 Examiner: Keaton, Sherrod L

Filed: October 22, 2003 | Confirmation No.: 6858

For: Systems and Methods That Track

A User-Identified Point Of Focus

# PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

fax: (571) 273-8300

Sir:

This paper is filed in response to the notice of abandonment mailed April 14, 2011. The notice of abandonment was mailed because the U.S. Patent Office did not receive a response by February 28, 2011 to its non-final office action dated August 31, 2010. By this paper, we respectfully petition the Commissioner to withdraw the holding of abandonment under 37 C.F.R. 1.181. This petition to withdraw the holding of abandonment is based on non-receipt the office action. In particular, the office of the undersigned practitioner did not receive via U.S. mail the non-final office action dated August 31, 2010, at the practitioner's correspondence address of record. The undersigned, through this communication and the enclosed appendices, has met its burden of proof to establish non-receipt of the non-final office action dated August 31, 2010, in accordance with MPEP § 711.03(c), which requires as follows:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently

reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Practitioner respectfully requests the Office to grant the petition and remail the non-final office action with a renewed three month statutory period for reply.

#### PRACTITIONER'S STATEMENT OF FACTS

- 1. On or about April 19, 2011, a notice of abandonment dated April 14, 2011, was received in this application, at the undersigned practitioner's correspondence address of record. The notice of abandonment stated that the application was abandoned in view of the failure to timely file a proper reply to the Office letter mailed on August 31, 2010.
- 2. After becoming aware of the notice of abandonment, the undersigned practitioner discovered, via the Office's PAIR system, that the Office had issued a non-final office action dated August 31, 2010. Prior to that date, the undersigned practitioner was unaware that the PTO had allegedly mailed the non-final office action dated August 31, 2010.
- 3. By performing a review of the detailed docketing records of Banner & Witcoff, Ltd. (the practitioner's law firm) and the firm's case file jacket for this application, the undersigned

confirmed that there was no record of the non-final office action dated August 31, 2010, in the firm's docketing system or in the case file jacket. Banner & Witcoff, Ltd. did not receive via U.S. mail a non-final office action dated August 31, 2010, at the correspondence address of record.

- 4. Banner & Witcoff, Ltd. uses at least an electronic docketing system for recording correspondence received from the USPTO. For each item of incoming mail from the USPTO, Banner & Witcoff, Ltd.'s standard docketing procedure is as follows: open the incoming mail item upon receipt, date stamp the opened mail item, enter the opened mail item in an incoming PTO log, docket the opened mail item in the firm's electronic docketing system, and forward the opened mail item for delivery to the appropriate Banner & Witcoff, Ltd. personnel. The firm's incoming PTO log is used to record the application number, attorney docket number, and description of the correspondence received. The firm's docketing system and procedure is sufficiently reliable.
- 5. Appendices A, B and C are enclosed as evidence that the non-final office action dated August 31, 2010, was not received by Banner & Witcoff, Ltd.
- 6. Enclosed as Appendix A is a copy of Banner & Witcoff, Ltd.'s incoming PTO mail log for business days from September 1, 2010 to September 13, 2010. The PTO mail log of Appendix A reflects that the office action dated August 31, 2010, was not received at Banner & Witcoff, Ltd. from the USPTO for this application. Had the non-final office action been received at Banner & Witcoff, Ltd., this log would have an entry for the non-final office action. However, no entry for this application is found in the log of Appendix A. Portions of the log of Appendix A have been redacted to preserve confidentiality of information not related to this application.<sup>1</sup>
- 7. Enclosed as Appendix B is a copy of Banner & Witcoff, Ltd.'s docketing records showing all items docketed for this application from its filing on October 22, 2003. The record of Appendix

<sup>&</sup>lt;sup>1</sup> The redactions to the appendices allow the office to sufficiently identify that none of the entries match this application. For example, none of the application number entries of Appendix A match 10/691,715, and none of the client-matter number entries match 004770.00862. The undersigned has personally reviewed all of the redacted information, and none of the redacted entries match this application.

Application No. 10/691,715

Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action

B reflects that the office action dated August 31, 2010, was not received at Banner & Witcoff,

Ltd. from the USPTO for this application. If Banner & Witcoff, Ltd. had received an office

action dated August 31, 2010, for this application, this record would show a reply docketed for

this application for an office action dated August 31, 2010. However, no entry exists in the

record of Appendix B for the non-final office action mailed August 31, 2010.

8. Enclosed as Appendix C is a copy of Banner & Witcoff, Ltd.'s automated docketing report of

February 28, 2011, that includes, among other things, all final deadlines and statutory bars for

February 28, 2011, which was the final deadline for the non-final office action mailed August 31,

2010. The docketing records of Appendix C reflects that the office action dated August 31,

2010, was not received at Banner & Witcoff, Ltd. from the USPTO. If Banner & Witcoff, Ltd.

had received an office action dated August 31, 2010, for this application, the office action would

have been docketed and this report would have included an entry for this application indicating

that February 28, 2011, was the final due date for filing the response. However, no entry for this

application is found in the record of Appendix C. Portions of the record of Appendix C have

been redacted to preserve confidentiality of information not related to this application.

No fee is believed due in connection with this filing. However, if any fee is due, the

Commissioner is hereby authorized to charge such fee to Deposit Account No. 19-0733. If the

Office should have any questions, the Office is invited to call the undersigned at 202-824-3317.

Respectfully submitted,

Date: April 26, 2011

By: /Evan M. Clark/

Evan M. Clark

Registration No. 64,836

BANNER & WITCOFF, LTD.

1100 13th Street, N.W.

**Suite 1200** 

Washington, D.C. 20005

Telephone: 202-824-3000

Facsimile: 202-824-3001

Enclosures: Appendix A; Appendix B; Appendix C.

-4-

P.T.O. Log September1, 2010

A	pplication	Client/Matter	Document	Docketed
	#	#	Description	(Initials)
95/	1384	.00063	Transmittal of Communication to Third Party requester Inter Partes Reexamination	
11/	9117	.00061	3 mo Final OA	
12/	3683	.00022	3 mo Final OA	
11/	8724	.00150	3 mo Final OA	
11/	4991	.00530	3 mo Final OA	
10/	4123	.00794	3 mo (non-final) OA	
11/	5778	.00005	3 mo (non-final) OA	
12/	6162	.00316	3 mo (non-final) OA	
11/	9517	.00007	3 mo (non-final) OA	
29/	4233	.00812	3 mo (non-final) OA	
12/	1923	.01134	3 mo (non-final) OA	
11/	0621	.00010	3 mo (non-final) OA	
10/	3742	.00008	3 mo (non-final) OA	
09/	7849	.00010	3 mo (non-final) OA	
11/	3243	.00479	3 mo (non-final) OA	
12/	5259	.00002	1mo OA	
12/	3365	.00004	1 mo OA	
09/	4891	.00280	Inter. Summ.	
09/	3067	.00793	Inter. Summ.	
09/	5547	.00008	N/ of Panel Decision from Pre- Appeal Brief	
11/	6983	.00036	N/ of Allowance	
09/	4891	.00280	N/ of Allowance	
11/	6245	.00008	N/ of Allowance	
29/	4431	.04981	N/ of Allowance	
11/	2769	.00020	N/ of Allowance	
11/	4206	.01414	N/ of Allowance	

P.T.O. Log September2, 2010

Application	Client/Matter	Document Document	Docketed
#	#	Description	(Initials)
29/4798		1-Soft Copy	
29/ 9285		1-Soft Copy	
11/ 3631		Original Patent	
11/ 0934		Original Patent	
11/36636		Original Patent	
12/ 1322		Original Patent	
11/26604		Original Patent	
11/ 4468		Original Patent	
11/ 9897		Original Patent	
11/ 8024		Original Patent	
12/ 1867		Original Patent	
11/ 0127		Original Patent	
12/6984		Original Patent	
11/6303		Original Patent	
29/ 9285		Original Patent	
29/ 4798		Original Patent	
29/-0152		Original Patent	
29/ 8675		Original Patent	
29/4625		Original Patent	
29/ 0158		Original Patent	
29/27202		Original Patent	
29/ 4622		Original Patent	
10/ 8433		Original Patent	
11/ 5478		Original Patent	
12/ 2493		Original Patent	
10/ 5095	.00001	3 mo Final OA	
11/34240	.00028	3 mo Final OA	
11/ 2987	.01313	3 mo Final OA	
11/ 7907	.00035	3 mo Final OA	
11/ 9820	.01293	3 mo OA	
29/ 6673	.00867	3 mo OA	
10/-8964	.00012	3 mo OA	
29/ 6623	.01017	3 mo OA	
10/25062	.00123	3 mo OA	
10/30027	.01964	3 mo OA	
11/ 2687	.00021	3 mo OA	
11/ 9527	.00840	3 mo OA	

12/	0703	.01501	3 mo OA
09/	7336	.00019	3 mo OA
11/	6096	.01283	2 mo OA
29/3	4207	.04294	2 mo OA
12/	6684	.00064	N/ of Allowance
11/	0153	.00085	Advisory Action
11/4	6607	.00631	Before the Board of Patent
	-		Appeals and Interferences
11/9	5708	.00061	N/ of Allowability
11/0	5294	.00189	Inter. Summ.
12/	5744	.00054	Inter. Summ.
11/	7194	.00537	N/ of Abandonment
11/2	0819	.00633	N/ of Panel Decision
12/0	7653	.00195	Priority Acknowledgment
10/	4717	.00005	The Reply Brief has been Entered and Considered
12/	5661	.00009	N/ of Missing Requirements Under 35
29/	7079	.00071	UOFR
12/4	7327	.01309	UOFR
12/	0227	.00334	UOFR
12/4	3583	.00118	N/ of Acceptance of App.
12/4	3583	.00118	OFR
12/	6714	.02199	OFR
12/	6962	.00368	OFR
12/	6830	.01267	OFR
61/3	8630	.00041	OFR
61/3	5593	.01540	OFR
12/	2793	.01306	OFR
12/	2781	.01305	OFR
12/	8803	.01259	N/ to Comply with requirements for Patent
12/	8803	.01259	OFR
12/8	8717	.00824	N/ to Comply with requirements for Patent
12/	8717	.00824	N/ Regarding POA
12/	8717	.00824	OFR
12/	6977	.00101	N/ of Acceptance of POA
12/	6977	.00101	OFR
12/	9073	.01125	N/ of Acceptance of POA
12/	8335	.01211	N/ of Acceptance of POA

11/	2932	.00025	On App. For Patent Term Adjustment	
11/	1843	2.00003	The Petition is Granted	

P.T.O. Log September 3, 2010

Application	Client/Matter	Document	Docketed
#	#	Description	(Initials)
95/1198	.090REX0	Transmittal of Communication to Third Party Requester inter Partes Reexamination	
11/01035	7.00004	1 mo OA	
10/4 3366	7.00232	1 mo OA	
11/07020	1.00656	3 mo OA	
12/4 8423	.00236	3 mo OA	
12/4 1641	.00168	3 mo OA	
09/8 8147	.00778	3 mo OA	
11/ 5473	.01321	3 mo OA	
12/06656	7.00208	3 mo OA	
12/06966	.00356	3 mo OA	
11/9 5826	.00021	3 mo OA	
11/ 3980	.01236	3 mo OA	
11/2 2888	.00104	3 mo OA	
12/3 0685	.00741	3 mo OA	
12/9 8538	7.00196	3 mo OA	
12/ 1551	2.00394	3 mo OA	
12/3 1006	.00266	3 mo OA	
11/2 555	.00059	3 mo Final OA	
11/ 9553	7.00293	3 mo Final OA	
10/. 5476	.00003	3 mo Final OA	
12/3 3786	.00320	3 mo Final OA	
12/4 7450	2.01017	3 mo Final OA	
12/2 2397	7.00022	3 mo Final OA	
29/2 9691	7.01066	Decision on Request for Rehearing	
11/ 9387	.00031	Response to Rule 312 Communication	
11/ 2312	7.00433	Reply Brief Has been Noted	
29/: 5497	.00926	N/ of Allowance	
12/4 6242	7.00309	N/ of Allowance	
11/2 4751	.00039	N/ of Allowance	
29/: 1430	7.00044	N/ of Allowance	
29/. 4474	.04617	N/ of Allowance	
12/ 3220	7.01552	N/ of Publication of App.	
12/ 3825	00223	N/ of Publication of App.	
12/- 6008	.00050	N/ of Publication of App.	
12/44809	2.00018	N/ of Publication of App.	

12/	9946	.00189	N/ of Publication of App.	
12/	9718	.00016	N/ of Publication of App.	
12/	3277	.00315	N/ of Publication of App.	
12/	6819	.01250	N/ of Publication of App.	
12/	2449	.00377	N/ of Publication of App.	
12/	9909	.01506	N/ of Publication of App.	
12/	2702	.00062	N/ of Publication of App.	
12/	7310	.01479	N/ of Publication of App.	
12/	0273	.00188	N/ of Publication of App.	
12/	8500	.00005	N/ of Publication of App.	
12/	1167	.00187	N/ of Publication of App.	
12/	7396	.00061	N/ of Missing Requirements Under 35	
12/	2791	.00076	N/ of Missing Requirements Under 35	
12/	9367	.00006	N/ of Acceptance of App.	
12/	9367	.00006	OFR	
61/	5558	.01539	OFR	
12/	7645	.00402	OFR	
11/	1806	-0200	N/ of Acceptance of POA	
11/	3770	-0225	N/ of Acceptance of POA	
29/	8676		Original Patent	
12/	2882	···	Original Patent	

P.T.O. Log September 7, 2010 APPENDIX A

Application	Client/Matter	Bocument	Docketed
#	#	Description	(Initials)
		-	
11/ 8704	.00056	1 mo OA	
29/1 9250	.00017	1 mo OA	
12/ 9855	.00108	3 mo OA	
11/- 1119	.00797	3 mo OA	
12/ 6393	.00168	3 mo OA	
11/ 2335	.00072	3 mo OA	
12/ 6344	.01406	3 mo OA	
12/ 2958	.01458	3 mo OA	
12/4696	.00081	3 mo OA	
11/ 1415	.00135	3 mo OA	
11/ 6508	.00085	3 mo OA	
11/ 9035	.00002	3 mo OA	
12/ 7247	.00215	3 mo OA	
12/ 3296	.00039	N/ of Missing Requirements Under 35 U.S.C. 371	
29/ 8468	.04349	N/ of Missing Parts of Nonprovisional App.	
29/ 8468	.04349	OFR	
29/ 8456	.01553	N/ of Missing Parts of Nonprovisional App.	
29/ 8456	.01553	OFR	
12/ 0341	.01407	N/ of Missing Parts of Nonprovisional App.	
12/ 0341	.01407	OFR	
61/ 5321	.01538	N/ of Missing Parts of Nonprovisional App.	
61/ 5321	.01538	OFR	
61/ 5316	.01538	N/ of Missing Parts of Nonprovisional App.	
61/35316	.01538	OFR	
12/ 0357	.01409	N/ of Missing Parts of Nonprovisional App.	
12/ 0357	.01409	OFR	
12/ 0350	.01408	N/ of Missing Parts of Nonprovisional App.	
12/ 0350	.01408	OFR	
12/ 0329	.01406	N/ of Missing Parts of Nonprovisional App.	
12/ 0329	.01406	OFR	
12/- 5771	.00035	N/ of Acceptance of App.	

12/	5771	.00035	OFR
61/	6887	.00014	OFR
12/	0314	.00249	OFR
12/	9954	.00077	OFR
12/	8521	.01520	OFR
12/	9467	.00075	COFR
11/	5336	.00057	COFR
29/	5519	.04217	UOFR
11/	1769	.00163	Advisory Action
12/	4106	.00187	Interview Summary
11/	6607	.00631	Interview Summary
10/	6899		Cert. of Correction
11/	7406		Cert. of Correction
12/	0312	.00681	N/ of Abandonment
12/	5868	.00067	N/ of Abandonment
11/	5820	.00118	N/ regarding IDS
29/	5517	.00261	Issue Notification
29/	5538	.00260	Issue Notification
29/	5734	.00263	Issue Notification
29/	5736	.00254	Issue Notification
11/	1373	.00020	Issue Notification
11/	5941	.00034	Issue Notification
11/	5975	.00009	Issue Notification
10/	1101	.00006	Issue Notification
29/	9813	.03953	Issue Notification
29/	6644	.04781	Issue Notification
29/	6970	.05028	Issue Notification
29/	6969	.05027	Issue Notification
11/	6513	.01082	Issue Notification
11/	8416	.00025	Issue Notification
11/	3002	.00009	Issue Notification
29/	5959		Issue Notification
29/	5966		Issue Notification
29/	5967		Issue Notification
29/	5958		Issue Notification
12/	4124	.00361	Issue Notification
12/	3088	.00174	Response to Rule 312Commun.
11/	2932	.00025	Response to Rule 312Commun
29/	3822	.00402	N/ of Allowance
29/	7718	.05272	N/ of Allowance

12/19183	.02145	N/ of Allowance	
11/ 5422	.00171	N/ of Allowance	
29/ 0180	.02183	N/ of Allowance	
29/: 4552	.04977	N/ of Allowance	
29/: 4554	.04979	N/ of Allowance	
12/ 2418	.00364	N/ of Allowance	
11/22428	.00009	N/ of Allowance	
29/ 5716	.05199	N/ of Allowance	
29/ 5715	.05197	N/ of Allowance	
11/ 7596	.00036	N/ of Allowance	
12/1 9931	.00142	N/ of Allowance	
29/ 5208	.05059	N/ of Allowance	

P.T.O. Log September 8, 2010

APPENDIX A	AΡ	ENDIX	Α
------------	----	-------	---

Application #	Client/Matter #	Document Description	Docketed (Initials)
12/10795	.01333	3 mo Final OA	

P.T.O. Log September 9, 2010

Application	Client/Matter	Document	Docketed
#	#	Description	(Initials)
29/ 3593		1- Soft Copy	
29/ 2306		Original Patent	
29/ 1700		Original Patent	
29/ 3593		Original Patent	
11/ 4279		Original Patent	
09/ 0723		Original Patent	
11/ 15944		Original Patent	
11/ 1838		Original Patent	
29/ 2677		Original Patent	
29/ 1931		Original Patent	
29/ 5250		Original Patent	
29/ 5251		Original Patent	
12/ 7620		Original Patent	
12/ 5680		Original Patent	
29/ 5755		Original Patent	
12/ 5280	.00032	1 mo OA	
09/ 6757	.00281	3 mo OA	
11/ 8976	.00178	3 mo OA	
11/ 2078	.00018	1 mo OA	
12/ 8422	.00040	3 mo OA	
11/		N/ of Acceptance of POA	
10/ 7462	.00030	Inter. Summ.	
11/ 8121	.00052	Inter. Summ.	
11/ 6013	.00002	Inter. Summ.	
12/ 0165	.00002	Advisory Action	
12/ 7073	.00761	N/ of Acceptance of App.	_
12/ 7073	.00761	OFR	
12/ 4691	.00019	N/ to Comply with Requirements for Patent	
12/ 4691	.00019	OFR	
12/ 0313	.01404	N/ to File missing parts	
12/ 0313	.01404	OFR	
29/ 5214	.05064	N/ of Allowance	
12/0541	.00574	N/ of Allowance	
29/ 5204	.05052	N/ of Allowance	
29/ 5206	.05058	N/ of Allowance	
29/ 5205	.05057	N/ of Allowance	

29/ 5215	.05065	N/ of Allowance	
11/44410	.00042	N/ of Allowance	
29/8 8069	.00207	N/ of Allowance	
29/1 5213	.05063	Supplemental Notice of Allowability	
10/ 8088	.00363	N/ of Abandonment	
11/ 6944	.01750	N/ of Panel Decision from Pre- Appeal Brief	
29/ 3498	.00003	Supplemental Notice of Allowability	

	P.T.O. Lo	g September 10, 2010 API	PENDIX A
Application	Client/Matter	Document	Docketed
#	#	Description	(Initials)
29/ 5490	05040	N/ of Allowance	
29/ 0043	.02185	N/ of Allowance	
29/2 0182	.02184	N/ of Allowance	
11/2 8082		Cert. of Correction	
11/ 2483		Cert. of Correction	
10/2 4764		Cert. of Correction	
11/ 7282		Cert. of Correction	
29/ 5739		Cert. of Correction	
11/ 7233		Cert. of Correction	
11/ 4275	.00008	N/ of Panel Decision from Pre- Appeal Brief Review	
11/ 0436	.01861	N/ of Panel Decision from Pre- Appeal Brief Review	
11/- 2272	.00010	Advisory Action	
11/- 9090	.00027	Decision on Application for Patent Term Adjustment	
10/. 9135	.00042	N/ of Abandonment	
11/ 3569	.00079	Inter. Summ.	
11/- 0182	.00616	Inter. Summ.	····-
12/ 3385	.00060	Inter. Summ.	
12/ 6830	.01267	N/ of Acceptance of POA	
12/ 6830	.01267	N/ Regarding Change of POA	
12/ 6087	.00017	N/ of Missing Requirements Under 35 U.S.C.	
12/ 7455	.00065	N/ of Acceptance of App. Under 35 U.S.C	
12/ 7455	.00065	OFR	
12/ 9221	.00042	UOFR	
12/ 4515	.00013	COFR	
12/ 8515	.00002	COFR	
29/ 8732	.00006	OFR	
12/ 0972	.00054	OFR	
29/ 8731	.00005	OFR	
11/ 6880	.00028	N/ Regarding IDS	

P.T.O. Log September 13, 2010

Application	Client/Matter	Document	Docketed
#	#	Description	(Initials)
11/ 2046	.00168	N/ file corrected appln papers	
12/3 5620	.00821	Notif. Missing Requirements	
12/3 9206	.02206	NTFMP	
12/3 9206	.02206	OFR	
12/4 6267	.00051	N/ acceptance of Appln	
12/4 6267	.00051	OFR	
12/3 1369	.01567	OFR	
12/3 2047	.01533	OFR	
12/3 9197	.02205	OFR	
11/0 6880	.00028	N/ Non-compliant IDS	
29/: 5977	.01537	Issue Notification	
12/ 3268	.00223	Issue Notification	
29/3 5980	7.01543	Issue Notification	
11/0 3929	.00005	Issue Notification	
29/: 4029	.05070	Issue Notification	
29/3 6190	.04766	Issue Notification	
12/ 2447	.00175	Issue Notification	
29/. 7290	.01009	Issue Notification	
29/3 2525	.00054	Issue Notification	
12/9981	.00019	Issue Notification	
10/: 3500	.01112	Issue Notification	
11/3 5415	.00002	Issue Notification	
11/ 9387	.00031	Issue Notification	
11/3 6365	.00086	Issue Notification	
29/3 5247	.04695	Issue Notification	
29/2 2094	.04988	Issue Notification	
11/ 6880	.00028	Issue Notification	
10/: 6898	.00030	Issue Notification	
10/: 5283	.00023	Issue Notification	
29/3 7157	.00002	Issue Notification	
29/: 5981	.01544	Issue Notification	
12/- 4657	.01232	Issue Notification	
11/2 3892	01078	Issue Notification	
11/: 3900	.00101	Issue Notification	
12/: 4923	.00211	N/ publication	
12/: 0854	.00114	N/ publication	

12/ 2646	.00068	N/ publication	
12/ 1955	.00014	N/ publication	
12/ 7212	.00053	N/ publication	
90/9456		Ex parte reexam commun. transmittal	
11/2 0168		Cert. of correction	
29/ 4559	.04987	N/ allowance & fees due	
29/ 4555	.04980	N/ allowance & fees due	
11/ 8129	.00102	N/ allowance & fees due	
29/ 5533	.00255	N/ allowance & fees due	
10/ 7340	.00037	N/ allowance & fees due	
29/1 4722	.04984	N/ allowance & fees due	
29/ 4616	.04869	N/ allowance & fees due	
29/ 3087	.00457	N/ allowance & fees due	
29/ 4558	.04986	N/ allowance & fees due	
11/ 2494	.00032	N/ allowance & fees due	
09/ 2660	.00042	N/ of hearing	
11/ 2312	.00433	BOPAI Docketing Notice	
11/2 1373	.00020	IDS signed by examiner	
11/9835	.01863	N/ panel Dec. from pre-appeal brief review	
12/4 7160	.00153	Resp. to 312 commun.	
12/- 6981	.00315	Resp. to 312 commun.	
11/ 2107	.00001	Resp. to 312 commun.	
11/2 6660	.00014	Resp. to 312 commun.	
10/3015	.00092	N/ abandonment	
11/ 3127	.00068	N/ abandonment	
10/- 9379	.00010	Advisory action	
11/ 4619	.00055	Int. summary	
11/2 8403	.00081	Int. summary	
11/ 7448	.00044	Int. summary	
11/- 9672	.00001	Int. summary	
11/2 7937	.00016	Int. summary	
12/ 4660	.00088	1 mo OA	
12/ 6374	.00197	3 mo OA	
11/4 7831	.00557	3 mo OA	
11/4919	.00913	3 mo OA	<u> </u>
12/ 7392	.00036	3 mo OA	
11/- 8133	.00002	3 mo OA	
11/ 5325	.00012	3 mo OA	
29/ 9288	.01528	3 mo OA	

12/ 6978	.00099	3 mo OA	
11/ 6601	.00036	Final OA	
11/ 6349	.00631	Final OA	

٠.,

#### APPENDIX B

**Country Application** 

Monday, April 25, 2011

Page: 1

Client.Matter: 004770.00862\US

Country: US

SubCase:

Client: Nokia Corporation

United States of America

Application Status: Published

Case Type: PRI

Office: Washington

Rev 1 BCW

Resp EMC

Dkt 1

Dkt 2

**Application Number: 10/691715** 

Filing Date: 22-Oct-2003 Publication Date: 28-Apr-2005

Publication Number: US-2005-0091604-A1

**Issue Date:** 

Patent Number: Parent/PCT Number:

Attorney(s): Rev 2

Parent/PCT Date:

Parent Issue Number:

Parent Issue Date:

Tax Schedule:

**Expiration Date:** 

Confirmation #: 6858

Patent Term Adjustment: 0

Agent:

Agent Reference #:

App. Title: Systems and Methods that Track a User-Identified Point of Focus

Family Reference:

Remarks:

#### **Country Application** Monday, April 25, 2011 Page: 2 **List Of Actions Due Date Action Taken** Action(s) Due Application Filing Date 22-Oct-2003 Final 22-Oct-2003 22-Oct-2003 22-Oct-2003 Final Declaration/Power of attorney filed Final 22-Oct-2003 Earliest Priority Date 22-Oct-2003 Due Date 22-Jan-2004 File information disclosure statement 22-Jan-2004 22-Feb-2004 Final 22-Oct-2003 Priority Claim/Amend Specification Foreign filing convention deadline 22-Oct-2004 Final 22-Oct-2004 2 month Response (no extensions) due - LAST DAY 17-Nov-2004 Final 17-Sep-2004 23-Dec-2005 Non-due Date of Entry 23-Dec-2005 Non-due 23-Dec-2005 Instructions Received Date for new case 23-Dec-2005 23-Mar-2006 Non-due 23-Mar-2006 General Submission to the PTO 11-Apr-2006 Power of Attorney Accepted 11-Apr-2006 Non-due Due Date 10-Jul-2007 Respond to 3 month Office Action 10-Jul-2007 10-Jul-2007 Status 10-Jul-2007 Status Inquiry base date 10-Nov-2007 Status 21-Sep-2007 Status Inquiry Respond to FINAL 3 month Office Action 19-Nov-2007 Due Date 19-Nov-2007 31-Dec-2007 Non-due 31-Dec-2007 Advisory Action received Non-due 22-Jan-2008 22-Jan-2008 FOA satisfy event Due Date 22-Jan-2008 22-Jan-2008 RCE filed Non-Due Date 04-Sep-2008 Rec'd 3 Mo Office Action () 26-Jun-2008 30-Jun-2008 Non-due 30-Jun-2008 Date of Last Change 20-Aug-2008 Non-Due Date 22-Aug-2008 Rec'd Interview Summary (mail) Reminder-Initial Response to OA due 1Mo 26-Aug-2008 Reminder 04-Sep-2008 Response to Office Action due 26-Sep-2008 Due Date 04-Sep-2008 Response to Office Action w/1 ext due 26-Oct-2008 Due Date 04-Sep-2008 Non-Due Date 01-Dec-2008 Rec'd Final Office Action (mail) 26-Nov-2008 Response to Office Action w/2 ext due 04-Sep-2008 26-Nov-2008 Due Date 04-Sep-2008 Reminder-Resp to OA (LAST DAY) due 2wks 12-Dec-2008 Reminder 26-Dec-2008 Final 04-Sep-2008 Response to Office Action (LAST DAY) due 26-Jan-2009 26-Jan-2009 Reminder Reminder-Final Response/Notice Appeal/RCE due

intry Application		Monday, Apr	il 25, 2011
Final Response/Notice of Appeal/RCE due (initial deadline)	26-Feb-2009	Due Date	26-Feb-2009
Status-Awaiting New OA	04-Mar-2009	Status	26-Nov-2008
Final Response/Notice of Appeal/RCE due w/1 ext	26-Mar-2009	Due Date	26-Mar-2009
Final Response/Notice of Appeal/RCE due w/2 ext	26-Apr-2009	Due Date	27-Apr-2009
US-RCE Filed (efs )	27-Apr-2009	Non-Due date	27-Apr-2009
Reminder-Final Response/Notice of Appeal/RCE due 2Wks	12-May-2009	Reminder	27-Apr-2009
Final Response/Notice of Appeal/RCE due (LAST DAY)	26-May-2009	Final	27-Apr-2009
Rec'd 3 Mo Office Action (mail)	08-Jul-2009	Non-Due Date	09-Jul-2009
Status- Awaiting Action	27-Jul-2009	Status	09-Jul-2009
Reminder-Initial Response to OA due 1Mo	08-Sep-2009	Reminder	05-Oct-2009
Response to Office Action due	08-Oct-2009	Due Date	05-Oct-2009
Response to Office Action w/1 ext due	08-Nov-2009	Due Date	05-Oct-2009
Response to Office Action w/2 ext due	08-Dec-2009	Due Date	05-Oct-2009
Reminder-Resp to OA (LAST DAY) due 2wks	25-Dec-2009	Reminder	05-Oct-2009
Response to Office Action (LAST DAY) due	08-Jan-2010	Final	05-Oct-2009
Rec'd Final Office Action (mail)	01-Feb-2010	Non-Due Date	03-Feb-2010
Reminder-Final Response/Notice Appeal/RCE due	01-Apr-2010	Reminder	03-May-2010
Final Response/Notice of Appeal/RCE due (initial deadline)	01-May-2010	Due Date	03-May-2010
Rec'd Advisory Action (mail )	24-May-2010	Non-Due date	26-May-2010
US-RCE Filed (efs )	28-May-2010	Non-Due date	28-May-2010
Final Response/Notice of Appeal/RCE due w/1 ext	01-Jun-2010	Due Date	28-May-2010
Final Response/Notice of Appeal/RCE due w/2 ext	01-Jul-2010	Due Date	28-May-2010
Reminder-Final Response/Notice of Appeal/RCE due 2Wks	18-Jul-2010	Reminder	28-May-2010
Final Response/Notice of Appeal/RCE due (LAST DAY)	01-Aug-2010	Final	28-May-2010
Notice of Abandonment rec'd (mail)	14-Apr-2011	Non-Due date	18-Apr-2011
Reminder - Petition to Revive due 1Mo	14-May-2011	Reminder	
Status- Awaiting Action	01-Jun-2011	Status	19-Apr-2011

#### APPENDIX B

Country Application		Monday, April 25, 2011	Page: 4
Petition to Revive due	14-Jun-2011	Due Date	

Created By: Conversion

User ID: hmarthers

Date Created: 10-Jul-2008

Last Update: 16-Dec-2010

# Rajit Kapur

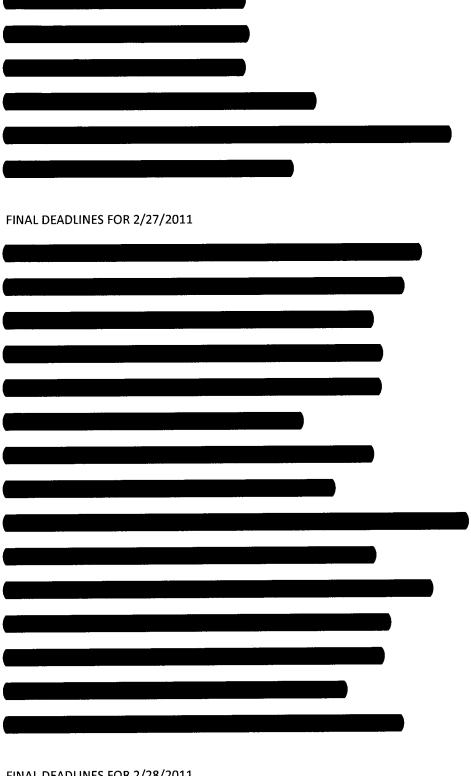
From: Sent:

docket\_mailer@bannerwitcoff.com Monday, February 28, 2011 4:33 AM All Offices All Employees Automated Final Deadline Notification

To:

Subject:

FINAL DEADLINES FOR 2/26/2011



FINAL DEADLINES FOR 2/28/2011

00095\US -- Reminder/Patent issues tomorrow 00102\US -- Final Deadline to Request PTA

00090\US Reminder/Patent issues tomorrow	APPENDIX C
00616\JP Response to Office Action (2nd Ext)	
00786\WO 31 Month National Phase Due (FINAL)	
00560\US Application due to be filed (Client Deadline)	
00561\US Application due to be filed (Client Deadline)	
00562\US Application due to be filed (Client Deadline)	
00078\US Final Deadline to Request PTA	
00279\US Final Response/Notice of Appeal/RCE due (LAST DA	Y)
00306\US File IDS (PAST DUE)	
00010\US File IDS (PAST DUE)	
00230\US File Assignment- ext.	
00243\US File By Date	
00262\EP Written Submissions for Proceedings due	
01467\US IDS off Foreign OA due (FINAL)	
01467\US Issue Fee due	
01467\US Patent Term Adjustment due	
01964\US Response to Office Action (LAST DAY) due	
00547\US Final Deadline to Request PTA	
00008\US Reminder/Patent issues tomorrow	
00140\CA Response to Office Action due (FINAL)	
00937\WO Reminder-Nat'l Phase Deadline 1Mos	
00055\US Reminder/Patent issues tomorrow	
00091\US Reminder/Patent issues tomorrow	
00114\US Substance of Interview due	
00197\US Power of Attorney Due	
00060\US File By Date	

00015\US Final Deadline to Request PTA	APPE
00564\CN Foreign Filing Due	
00051\US Reminder/Patent issues tomorrow	
00064\US File By Date	
00001\US Final Deadline to Request PTA	
00262\US Reminder/Patent issues tomorrow	
00270\US IDS off Foreign OA due (FINAL)	
00373\US IDS off Foreign OA due (FINAL)	
00260\US File By Date	
00075\US Reminder/Patent issues tomorrow	
00082\US IDS off Foreign OA due (FINAL)	
03376\BO Assignment	
00007\US File IDS (PAST DUE)	
00087\US Final Deadline to Request PTA	
00044\US Reminder/Patent issues tomorrow	
00028\US Reminder/Patent issues tomorrow	
00908\US File By Date	
00945\US File By Date	
00020\US IDS off Foreign OA due (FINAL)	
00004\US File IDS (PAST DUE)	
00010\SG File By Date	
00021\US Reminder/Patent issues tomorrow	
00099\US Application due to be filed (Client Deadline)	
00005\US Application due to be filed	
00459\EP Response or Extension to Official Ad	tion due
01204\CA Send Prior Art to Agent (FINAL)	

01366\US Application due to be filed (Client Deadline)
01369\US Power of Attorney Due
01411\US Application due to be filed (Client Deadline)
01412\US Application due to be filed (Client Deadline)
01415\US Application due to be filed (Client Deadline)
01429\US File By Date
00039\WO 21 Mo National Phase Deadline
00040\WO 21 Mo National Phase Deadline
00425\CA Send Prior Art to Agent (FINAL)
00430\IN Send Prior Art to Agent (FINAL)
00431\IL Send Prior Art to Agent (FINAL)
01405\US File By Date
01280\US Issue Fee due
01280\US Patent Term Adjustment due
01480\US Issue Fee due
01480\US Patent Term Adjustment due
01505\US File By Date
01516\US File By Date
01520\US File By Date
01523\US File by Date
01526\US File By Date
01557\US File By Date
01559\US File By Date
01563\US File By Date
00002\US Response to Office Action (LAST DAY) due

01041\KR -- Registration fees due

APPENDIX C

00022/118	Reminder	Patent issues	tomorrow
100022103	remmuer	ratent issues	LUITIOTTUVV

#### APPENDIX C

00059	·US	File E	By Date
-------	-----	--------	---------

00060\US -- File By Date

00005\US -- Power of Attorney due

00002\US -- File IDS (PAST DUE)

00002\US -- File Power of Attorney/Change of Address

00001\US -- File By Date

00248\RU -- Renewal Grace Period - Last Day

00351\US -- Power of Attorney Due

02872\BR -- Fees due

02888\BR -- General Matter Due - LAST DAY

02896\BR -- General Matter Due - LAST DAY

02916\BR -- General Matter Due - LAST DAY

02920\BR -- General Matter Due - LAST DAY

02924\BR -- General Matter Due - LAST DAY

04859\US -- Reminder/Patent issues tomorrow

04975\US -- Reminder/Patent issues tomorrow

05076\US -- Reminder/Patent issues tomorrow

05206\US -- Reminder/Patent issues tomorrow

05207\US -- Reminder/Patent issues tomorrow

05295\US -- Reminder/Patent issues tomorrow

05296\US -- Reminder/Patent issues tomorrow

05297\US -- Reminder/Patent issues tomorrow

05298\US -- Reminder/Patent issues tomorrow

05299\US -- Reminder/Patent issues tomorrow

05319\US -- Reminder/Patent issues tomorrow

05320\US Reminder/Patent issues tomorrow	APPENDIX C
--	------------

05331\US -- Reminder/Patent issues tomorrow

05332\US -- Reminder/Patent issues tomorrow

05333\US -- Reminder/Patent issues tomorrow

05506\US -- Foreign Filing Due

05507\US -- Foreign Filing Due

05508\US -- Foreign Filing Due

05526\US -- Foreign Filing Due

05550\US -- Foreign Filing Due

05595\US -- Reminder/Patent issues tomorrow

05950\US -- Application due to be filed (Client Deadline)

05955\US -- Application due to be filed (Client Deadline)

05956\US -- Application due to be filed (Client Deadline)

05957\US -- Application due to be filed (Client Deadline)

06023\US -- File By Date

06024\US -- File By Date

06025\US -- File By Date

06026\US -- File By Date

06027\US -- File By Date

06028\US -- File By Date

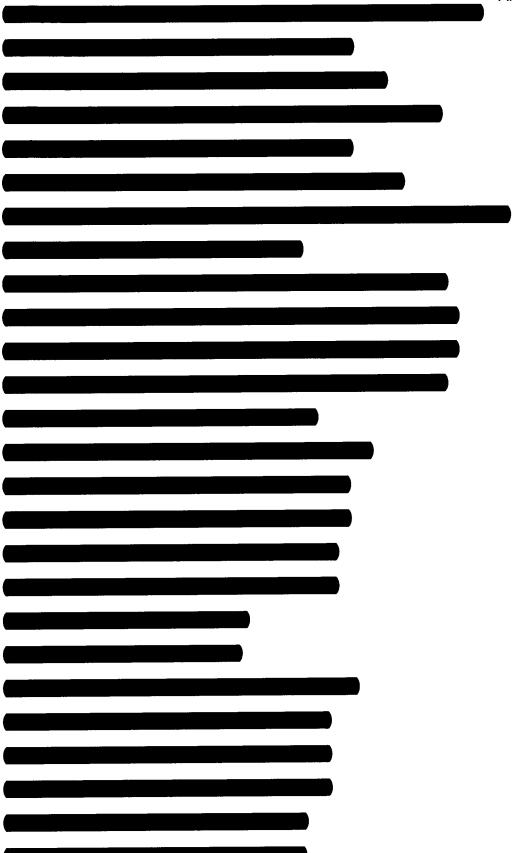
06029\US -- File By Date

06030\US -- File By Date

06031\US -- File By Date

06032\US -- File By Date

06033\US -- File By Date





FINAL DEADLINES FOR 2/27/2011

FINAL DEADLINES FOR 2/28/2011
00107\US Foreign Filing Due
00002\US Foreign Filing Due
01348\SK Response to Office Action due
FINAL DEADLINES FOR 3/1/2011